

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

This is a Department of Land and Natural Resources, Office of Conservation and Environmental Affairs Conservation District Use Application (CDUA) form. This application is to be used if you desire to apply for a land use in the State Land Use Conservation District.

All land uses, pursuant to Section 13-5-2, Hawaii Administrative Rules (HAR), require that a CDUA be filed with the Department and approved by the Board of Land and Natural Resources (Board) prior to its initiation. An application is not considered accepted for processing until the Department has found it complete. Once an application is considered "complete" by the Department, a letter of acceptance will be issued and the statutory 180-day time period will begin.

Should a "complete application not be acted upon within the 180-day time limit, the landowner/applicant may automatically put said land to the use(s) requested in the application.

Unless provided for by Title 13, Chapter 5, HAR, land uses shall not be undertaken in the Conservation District.

All applications must include the following to be considered "complete" for processing:

1. Signature of the landowner(s) and applicant (if different from the applicant). Where the landowner is a corporation, trust, association, etc., evidence of authorization for the application shall be included (i.e. letter of corporation/association letterhead).
2. Development and environmental information required pursuant to Section 13-5-31, HAR.
3. The appropriate filing fees as specified pursuant to Section 13-5-33, HAR.

NOTE: No permit shall be processed by the Department until any violations pending against the subject parcel are resolved (Section 13-5-31(e)).

4. Compliance information with all State and Federal environmental requirements. Evidence of compliance must be provided/satisfied prior to action on the CDUA.

All applications are subject to County Special Management Area (SMA) requirements. One of the following must be satisfied from your County thirty (30) days prior to Board action on your CDUA:

1. A determination that the proposed land use(s) is outside the Special Management Area (SMA) administered by the County;

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2. A determination that the proposed land use is exempt from the provisions of the County ordinances/regulations specific to Section 205A-29(b), Hawaii Revised Statutes (HRS); or
3. A Special Management Area permit for the proposed use. (Note that an SMA permit or clearance must be received by the Department prior to action on an application.)

On page four (4) of the application form, please indicate which of the following approvals are being sought, as specified in the Hawaii Administrative Rules:

1. Departmental permit (see section 13-5-33)
2. Board permit (see section 13-5-34)
3. Emergency permit (see section 13-5-35)
4. Temporary variance (see section 13-5-36)
5. Nonconforming use(s) (see section 13-5-37)
6. Site plan approval (see section 13-5-38)
7. Management plan (see section 13-5-39)

A public hearing(s) shall be held for all applications involving the following:

1. Land use(s) for commercial purposes.
2. Change of subzone(s) or boundaries.
3. Establishment of new boundaries.
4. Change(s) in identified use(s).
5. Land use(s) in the Protective "P" subzone.
6. Land use(s) determined by Chairperson where the scope of the proposed use, or the public interest require one.

All correspondence related to an application will be directed to the applicant.

Please submit twenty (20) copies of the completed application and all attachments, if any, and twenty (20) copies of the environmental assessment.

Please reduce or fold attachments to a letter-size exhibit (8-12" x 11").

Application (s) and attachment(s) should be
mailed to:

Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
P. O. Box 621
Honolulu, Hawaii 96809

or hand-delivered to:

Kalanimoku Bldg. (Room-131)
1151 Punchbowl Street
Honolulu, Hawaii 96813

For information call 587-0377.

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

CONSERVATION DISTRICT USE APPLICATION FORM

(Print or Type)

Dec. 1994

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/Fine No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____

SUMMARY PAGE

I. LANDOWNER

(If State land, to be filled
by State of Hawaii or
government entity with
management control over
parcel.)

Name _____

Address _____

Telephone No. _____

SIGNATURE _____

DATE _____

NOTE: Signature of an
authorized representative
of DLNR under this section
is not to be construed as
an approval or as an
application which shall be
submitted separately with
the appropriate fee. Also,
for private lands with multiple
owners, the application shall
be signed by landowners whose
property interests constitute
or exceed 85% of the fee
ownership of the parcel(s).

II. APPLICANT

Name _____

Address _____

Telephone No. _____

Interest in Property _____

(Indicate interest in property;
submit written evidence of this
interest.)

*SIGNATURE _____

Date _____

*If for a Corporation, Partnership,
Agency or Organization, must be
signed by an authorized officer.

AGENT

Name _____

Address _____

Telephone No. _____

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III. TYPE OF PERMIT

- (1) Departmental permit (see section 13-5-33);
- (2) Board permit (see section 13-5-34)
- (3) Emergency permit (see section 13-5-35)
- (4) Temporary variance (see section 13-5-36)
- (5) Nonconforming uses (see section 13-5-37)
- (6) Site plan approval (see section 13-5-38); or
- (7) Management plan (see section 13-5-39)

IV. LAND PARCEL LOCATION

Island _____

County _____

District _____

Tax Map Key(s) _____

Area of Parcel _____
(Indicate in acres
or sq. ft.)

Term (if lease) _____

V. SUMMARY OF PROPOSED IDENTIFIED LAND USE: (Cite applicable section of Title 13-5, HAR. Attach additional sheet(s) as needed.)

VI. ENVIRONMENTAL REQUIREMENTS

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, a Draft Environmental Assessment of the proposed use must be attached. The Draft Environmental Assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

Following the end of a 30-day review period for the Draft Environmental Assessment, any comments received along with their responses must be incorporated into the Final Environmental Assessment. If appropriate, the text, figures, tables, maps, and other ancillary parts of the Environmental Assessment should be revised.

VII. DESCRIPTION OF PARCEL

- A. Existing structures/use. (Attach description or map and one set of original photographs. Also, if applicable, include any previously obtained Federal, State and/or County permit approvals.)
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage.)
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership.)
- D. Flora and Fauna. (Describe and provide map showing location and types of flora and fauna. Indicate if rare or endangered native plants and/or animals are present.)
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.)
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline.)
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions.)

VIII. COMMENCEMENT DATE: _____

COMPLETION DATE: _____

IX. CITE AND DESCRIBE IN DETAIL THE PROPOSED IDENTIFIED LAND USE: (Refer to Title 13-5, HAR. Attach additional sheets as needed.)

X. AREA OF PROPOSED USE: _____
(Indicate in acres or sq. ft.)

XI. NAME AND DISTANCE OF NEAREST TOWN OR LANDMARK:

XII. LAND USE COMMISSION BOUNDARY INTERPRETATION: If the area is within fifty feet of the boundary of the Conservation District, include a map showing the interpretation of the boundary by the State Land Use Commission.

- XIII. SUBZONE BOUNDARY DETERMINATION: Prior to the department receiving for processing any application for a permit, if the applicant's proposed land use lies within fifty feet of a subzone boundary, the applicant shall first notify the department of the intended use and seek a determination of the precise boundary of the subzone with respect to the parcel in question. (Refer to Section 13-5-17, HAR.)
- XIV. FEES. Each application shall be accompanied by such filing fees as specified in Chapter 13-5, HAR. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
- XV. PLANS. All applications shall contain associated plans such as a location map, site plan, floor plan, elevations and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.
- A. Area Plan. Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
 - B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities. (For Site Plan Approvals, see Section 13-5-38, HAR.)
 - C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
 - D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
 - E. Management Plans: If required, refer to Section 13-5-39, HAR, and Exhibit 3, entitled "Management Plan Requirements, dated September 6, 1994.
 - F. Historic or Archaeological Site Plan. Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

XVI. DEMONSTRATE THAT THE PROPOSED USE IS CONSISTENT WITH THE FOLLOWING CRITERIA:

1. The proposed land use is consistent with the purpose of the Conservation District;
2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," where applicable;
4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;
5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District; and
8. The proposed land use will not be materially detrimental to the public health, safety and welfare.